8: Lužbetak E-4 (no date) 1951 RHI Caucasia RHI

Women are generally excluded from being conjurors. One of the most common forms of evidence in the *adat* courts is conjury, an oath taken by an established number of relatives of the defendant or plaintiff. Any hesitation, refusal of one of the conjurors to swear, or failure to find the required number of conjurors are considered undeniable evidence. The oath is taken by each of the conjurors either on the Koran, or sometimes toe *khatun-tallkh* must be sworn. The practice of conjury is found among all Caucasian mountain tribes: Cherkess, Chechens, Lesghians, Georgians, neighbouring Tartars, Kumyks, etc.[24] The number of conjurors required depends on the gravity of the crime, the penalty connected with it, and on the social position of the contending parties and conjurors. The following is an example of a catalogue of conjurors established for theft in Mikakhi District.

For stealing sheep:		*For stealing cows:*	
one sheep	3 conjurors	one cow	5 conjurors
two sheep	4 conjurors	two cows	10 conjurors
three sheep	5 conjurors	three cows	12 conjurors
four sheep	6 conjurors	more than three	12 conjurors
more than four	6 conjurors		

For stealing young domestic animals:

one colt less than three years old	6 conjurors
one one-year-old calf	3 conjurors
one two-year-old heifer	5 conjurors
one two-year-old ox	5 conjurors
one three-year-old ox	6 conjurors

This catalogue has been taken from the "Adat collection for the Districts of Dargwa Province."[25] For murder and crimes considered as serious as murder[26] the number of conjurors may be as high as 40. Generally only relatives may be conjurors. This requirement is evidently a reflection of the strong solidarity of the Caucasian sib: to swear falsely would bring ruin to the swearer, and should a large number of conjurors be required, the entire sib, living and dead, may be doomed.

The proof by conjury is recognized by Islamic law, but its existence in the Caucasus need not be attributed to Mohammedanism. (1) Even in Arabia, it pre-existed Islamism. In fact Mohammed merely borrowed and incorporated the *kazama* into his system.[27] (2) Moreover, it is a widespread institution among

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[24] See the various *adat* collections. See also Kovalevskij, *Coutume contemp.*, especially pp. 443 f: *Code of King Vakhtang VI*, Karst edition, pp. 60, 179.

[25] "Adaty Darginskich Obščestv," SSKG, VII (1873), p. 53.

[26] *Supra*, Chapters XII and XIII.

[27] Goldziher, "Muhammedanisches Recht in Theorie und Wirklichkeit," *Zeitsch. f. vergl. Rechtsw.*, VIII (1889), No. 3, p. 412.